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Council Meeting

November 18, 2015

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NOTICE OF PUBLIC MEETING

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY: Notice is hereby given that the **VERNAL CITY COUNCIL** will hold a regular meeting on **Wednesday, November 18, 2015 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main St, Vernal, Utah.

A G E N D A

7:00 p.m.

OPENING CEREMONY

1. Invocation or Uplifting Thought
2. Pledge of Allegiance

STANDING BUSINESS

1. Approval of the Minutes of November 4, 2015 Regular Meeting

PUBLIC BUSINESS

1. Asphalt Management Project Report - Eric Major, PE, Uintah Transportation District
2. Recognition to Sadie Norton for Award of Scholarship

7:15 pm

PUBLIC HEARINGS

1. Request for Approval of Rezone Request at 379 North 500 West, Vernal, Utah from Trevor Carter / Randall & Lori Mills from R-1 residential to R-4 residential - *WITHDRAWN*

POLICY AND LEGISLATION

1. Essential Air Service Options for Vernal Regional Airport
2. Request for Approval of Stipend for Board Members of Ashley Valley Sewer Management Board
3. Request for Approval of a Municipal Sales and Use Tax - Ordinance No. 2015-22

CLOSED SESSION

1. Strategy Session to Discuss Pending or Reasonably Imminent Litigation

REPORTS

- | | |
|------------------------|--------------------------|
| 1. Planning & Zoning | 4. Uintah Fire SSD |
| 2. Downtown Excitement | 5. Uintah Recreation SSD |
| 3. Cemetery Board | |
| 4. Uintah Animal SSD | |

ADJOURN

NOTE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Ken Bassett, 374 East Main, Vernal, Utah 84078 or phone (435) 789-2255 at least three days before the meeting.

MEMORANDUM

TO: Mayor & City Council

FROM: Ken Bassett, City Manager

RE: *Agenda Items of November 18, 2015 Council Meeting.*

PUBLIC BUSINESS

1. **Asphalt Management Project Report - Eric Major, PE, Uintah Transportation District:** Mr. Major has asked to come before the Council to report on chip and seal work that the Transportation District has done for the City. We are most appreciative of this work and realize the significant improvements which it makes to the maintenance of our roads. Uintah Transportation District for the past many years has provided this service to the City.
2. **Recognition to Sadie Norton for Award of Scholarship:** Included in your binder is information regarding the recent scholarship which Sadie Norton, our Code Enforcement Officer, received from a national organization. The scholarship allowed her to attend a national conference in Florida and also to be recognized, representing the City, before the whole conference as the top award winner for the essay she wrote qualifying her for the scholarship. A copy of that essay is included in your binders. We appreciate Sadie for her good work and congratulate her on this achievement.

PUBLIC HEARING

1. **Request for Approval of Rezone Request at 379 North 500 West, Vernal, Utah from Trevor Carter / Randall & Lori Mills from R-1 residential to R-4 residential – *WITHDRAWN*:** This rezone request, although it has gone through a public hearing process with the both the City Council and Planning Commission, has been withdrawn by the applicant Mr. Carter. Therefore, it will not be necessary to hear any more comments from the public regarding the request, but to simply recognize that the application has been withdrawn.

POLICY AND LEGISLATION

1. **Essential Air Service Options for Vernal Regional Airport:** I have included in your binder a fairly lengthy explanation of proposals received by the County and the City for essential air service at the Vernal Airport. Two proposals were received, one from Boutique Airlines and another one from Via Airlines. Also included in your binder is an email that was sent to the FAA from the County Commission indicating their support of the Via Airlines proposal. It was later determined that Via Airlines does not have the authority to operate a scheduled commercial airline service which authority is granted by the FAA. Why this is the case, neither the County Commission or I are aware. Bill Stringer of the County Commission indicated to me that the Commission will be meeting with FAA in Denver on Wednesday to get more clarification regarding the status of Via Airlines. It has been indicated by FAA however that Via Airlines can receive an alternative type of authority in order to provide the service. There is question however regarding how much subsidy FAA will provide to Via Airlines considering their request was substantially higher than Boutique

Airlines. One of the reasons that the Commission was very interested in Via Airlines was because they were willing to provide a 30 passenger aircraft for the service to Vernal. Boutique Airlines on the other hand only had a 9 passenger aircraft which, based on the most current employment records that we had, would not really be sufficient to provide the necessary service at the Vernal Airport.

I am anxious to find out what the County Commission learned from their trip to Denver meeting with the FAA in order that we can proceed with either an alternative application from Via Airlines or decide what we are going to be doing as far as essential air service in Vernal is concerned.

2. **Request for Approval of Stipend for Board Members of Ashley Valley Sewer Management Board:** Included in your binder is a letter from the Sewer Management Board indicating that according to recent legislation, it is necessary for local government entities to approve any financial stipends received by its Board members or Council members from another entity. I would expect that is the case also with other districts in the City. This is the first district that has requested approval by the City for the stipend to vote Councilmember Clark and Councilmember Everett presently sit on the Board of Directors of the Ashley Valley Sewer Management Board.
3. **Request for Approval of a Municipal Sales and Use Tax - Ordinance No. 2015-22:** I have provided for you a copy of this ordinance. This ordinance provides for the optional sales tax of .2% that has been approved by the legislature for cities that were negatively impacted by legislation in past years that affected the amount of sales tax that these impacted cities would receive. Vernal was one of the few cities that fell in that category and has the opportunity to adopt this sales tax, which would essentially generate approximate 1 to 1.2 million dollars for use in our general fund. I have provided for you in the packets an explanation of the history of this legislation that allows us to do this, as well as the need. If you have any questions, please feel free to contact me. For your information, proposition I authorizing a .25% sales tax increase in Uintah County for transportation purposes failed by 21 votes.

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 4, 2015** at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Bert Clark, Dave Everett, JoAnn Cowan, Ted Munford and Samantha Scott, and Mayor Sonja Norton.

WELCOME: Mayor Sonja Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An uplifting thought was given by Councilmember Samantha Scott.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Councilmember Bert Clark.

APPROVAL OF MINUTES OF OCTOBER 21, 2015 REGULAR MEETING:
Councilmember Bert Clark moved to approve the minutes of October 21, 2015. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH NICK RICHINS FOR THE PROPERTIES LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500 WEST, VERNAL, UTAH - ALLEN PARKER: Allen Parker explained that the City Attorney drafted a development agreement for the rezone on 509 South and 589 South on 500 West Street. The most significant component of the agreement are the exhibits which outline what can be built on the property. Mr. Parker explained to the audience that a development agreement is used when the City rezones property, or changes the category for parcels of property so certain things can be done on it. The owner sign the agreement which then protects the adjoining property rights making sure what happens on that parcel is compatible with the neighbors. On the corner of 500 West and 500 South, the owner wants to build an office building which is listed as a commercial use, and the City wants to place restrictions so other types of commercial establishments are not developed. Mr. Parker displayed a map showing the boundaries of the rezone. The development agreement restricts the commercial use to professional office buildings and retail activities that happen in those offices such as eye glass sales. The building height is restricted along with the exterior look of the building. Councilmember Clark asked if there will be a fence on the 400 West side of the development. Allen Parker answered that the fence will be on the south side of the property only, not along 400 South Street. Councilmember Dave Everett stated that the pictures that were presented when this development was first discussed match the description of the materials that will be used on the exterior of the buildings. Mayor Norton asked if this development agreement will remain with the property, not just this owner. Allen Parker stated that the development agreement was designed to run with the land as there are no restrictions in State law to prevent this type of agreement. After further discussion, *Councilmember JoAnn Cowan moved to approve the development agreement with Nick Richens for the property located at 509 South and 589 South and 500 West. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Everett, Scott and Clark voting in favor for a unanimous vote.*

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 4, 2015**

DISPOSAL OF FILL MATERIAL FROM WATER BREAKS – MIKE DAVIS: Water Superintendent, Mike Davis, explained that when a water or sewer line is repaired, excess fill material from the trench is moved to the 1500 East storage lot. The property has now run out of room to store this dirt, and the landfill charges \$30 a load to deposit it there. He requested that the Council declare this material as surplus and allow the utility departments to give the dirt away to anyone interested on a first come first serve basis. Mayor Norton asked if it is just dirt or does it contain gravel. Mike Davis stated it is fill material, not top soil, so it could have cement, rocks or asphalt in it. The material also has to dry out. Councilmember Cowan asked if the crew is going to deliver the dirt. Mike Davis answered no; they will have to pick it up themselves. However, the City crew can load the truck or trailer. Councilmember Cowan suggested a banner be placed on the fence to let people know there is free dirt available. After further discussion, *Councilmember JoAnn Cowan moved to declare the fill material from water and sewer breaks surplus property and dispose of the dirt by allowing residents to haul it away. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Cowan, Everett, Clark, Scott and Munford voting in favor for a unanimous vote.*

REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH UTAH COUNTY & UTAH TRANSPORTATION DISTRICT FOR SPONSORSHIP, OPERATION AND MAINTENANCE OF THE VERNAL REGIONAL AIRPORT - RESOLUTION NO. 2015-12: Ken Bassett explained that the purpose of this agreement is for the Utah Transportation Special Service District to assume the management of the airport. The property, including any real property, remains in the name of Utah County and Vernal City along with anything acquired through federal grants. If this agreement is terminated, any property purchased by the District will remain with the District. Another provision of this agreement is the financial obligation for the airport is no longer the responsibility of the City as of January 1, 2015. Councilmember Cowan expressed her concern that the firefighting equipment that belongs to the Fire District remain under their name. Ken Bassett noted that the titles for that equipment are in the name of the Fire District. The agreement is for a term of 40 years. *Councilmember Bert Clark moved to approve Resolution No. 2015-12 Interlocal Agreement to transfer the management of the airport to the Utah Transportation District. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford..... aye;
Councilmember Cowan..... aye;
Councilmember Everett..... aye;
Councilmember Scott..... aye;
Councilmember Clark..... aye.

REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH UTAH COUNTY & UTAH TRANSPORTATION DISTRICT FOR USE, MANAGEMENT & OPERATION OF THE VERNAL REGIONAL AIRPORT: Ken Bassett explained that this agreement is also necessary to transfer the management of the airport to the Utah Transportation District. The personal and real property being used by the airport will be leased to the District under this agreement. Utah County has already approved this agreement and the Utah Transportation Special Service District will consider it at their next meeting. *Councilmember Dave Everett moved to approve the Lease Agreement with Utah County and the Utah Transportation*

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 4, 2015**

District. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Everett, Cowan, Clark, Scott and Munford voting in favor for a unanimous vote.

**REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH
UINTAH COUNTY FOR THE CONVENTION CENTER CONTRIBUTION:**

Ken Bassett reminded the Council that last October the Uintah County Commission asked the City to help with the operation and maintenance of the convention center once there is no financial obligation for the airport. The decision of the Council, at that time, was to pay up to \$200,000 a year for 5 years for the operation and maintenance of the convention center if it was built in the City. The payment to Uintah County will be made once the Uintah Special Service District fully executes the airport agreements. The funding will be paid quarterly. Councilmember Everett asked if the payment will go back to January 1st. Ken Bassett stated it will be effective July, 2015. Councilmember Cowan asked if there is a governing board for the convention center. Ken Bassett answered that he did not know. Councilmember Clark stated that there is an advisory board for the Western Park. Councilmember Cowan stated that Vernal City should have a seat on the advisory board for the convention center if there is one. Ken Bassett noted that the City has the right to review the accounting for the conference center and if enough funds are raised through fees there, the City obligation will terminate. Councilmember Cowan suggested changing the wording so the City will receive an annual accounting of where the funds were spent rather than the City having to request that information. Ken Bassett stated that could be changed. Councilmember Ted Munford questions if the funds would go toward the operation and maintenance or to pay for the bonds. Ken Bassett stated that the agreement can establish where those funds are to be used. Councilmember Munford stated his preference is that the funds not be used for debt payments. Ken Bassett stated that the accounting report can also include the scheduling to see the usage of the facility. Councilmember Clark questioned if the facility will waive the fees for any activities. Ken Bassett suggested the Council discuss that item with the County Commission at the next joint meeting. *After further discussion, Councilmember Ted Munford moved to approve the Memorandum of Understanding with Uintah County for the operation of the Convention Center with two changes, an annual accounting with the scheduling, and that the funds from the City are used exclusively for the operation and maintenance of the center. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Scott, Cowan, Clark and Everett voting in favor for a unanimous vote.*

ADMINISTRATIVE REPORTS:

2015 Election:

Councilmember Bert Clark congratulated Councilmembers Samantha Scott and Dave Everett on retaining their Council seats and newly elected Council member Travis Allen. Councilmember Munford thanked all those that ran for their involvement. Ken Bassett stated that the Proposition 1 vote is too close to call until after the canvassing.

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 4, 2015**

Mayor's Walk:

Councilmember Samantha Scott thanked Councilmember Munford for his involvement with the Mayor's Walk with all the time and effort he put into his costume for Halloween to entertain the kids.

Meeting Schedule:

Ken Bassett stated that the canvassing for the election needs to be done on November 17th. The consensus of the Council was to hold the meeting at 4 p.m.

Ken Bassett asked if the Council would be available to hold a meeting with the Uintah County Commission on November 30th at 3:30 p.m. The Council responded that they would be available.

ADJOURN: There being no further business, Councilmember Clark moved to adjourn. Councilmember Scott seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

ATTEST:

Mayor Sonja Norton

Roxanne Behunin, Deputy Recorder

(S E A L)

Zimbra

kbassett@vernalcity.org

Sadie Norton Scholarship Winner

From : Dept Building <building@vernalcity.org>

Tue, Nov 03, 2015 12:29 PM

Subject : Sadie Norton Scholarship Winner**To :** Ken Bassett <kbassett@vernalcity.org>

Mr. Bassett,

Sadie Norton, Vernal City Zoning and Code Enforcement Officer, recently returned from a Code Enforcement Convention that she attended in Florida. She was recognized by the organization as a scholarship winner at a ceremony that was held at the convention.

After all scholarship recipients were recognized, the organization read aloud to all attendees her scholarship essay stating that her essay was the most impressive one they had received. Sadie applied for the Code Enforcement Convention scholarship this past summer and was awarded a scholarship for approximately \$1,300 which went towards the convention.

I just wanted you to know how awesome she is and what an asset she is to Vernal City.

Sincerely,
Gay Lee Jeffs

Zimbra

zoning@vernalcity.org

Safeguard Scholarship Application

From : Laura DeVore <lbdevore@yahoo.com>

Fri, Jul 31, 2015 04:03 PM

Subject : Safeguard Scholarship Application**To :** Laura Rouse-DeVore

<lbdevore@yahoo.com>

Cc : heather lazar

<heather.lazar@safeguardproperties.com>

Reply To : Laura DeVore <lbdevore@yahoo.com>

On behalf of Safeguard Properties and the Executive Board of the American Association of Code Enforcement, it is my privilege to inform you that you have been selected as a 2015 Safeguard Properties Scholarship recipient.

Congratulations on this honor and we look forward to welcoming you to the 2015 AACE Annual Educational Conference in Kissimmee, Florida in October.

In order to expedite your registration for the 2015 AACE Annual Educational conference, please reply back to this email as confirmation that you are still able and willing to attend this conference. From there, Heather Lazar with Safeguard Properties will contact you to confirm your arrangements and conference registration.

Again, thank you for your Safeguard Scholarship essay submission and thank you for the many ways that you serve our profession. We, along with Safeguard Properties, hope that this conference will be a valuable experience that helps to further advance your career development in the field of Code Enforcement.

Please let me know if you have any questions and don't forget to reply to this email by Wednesday, August 5, 2015 to confirm your scholarship.

Sincerely,

Laura Rouse-DeVore

President, American Association of Code Enforcement (AACE)

lbdevore@yahoo.com

Collaboration in Today's Code Enforcement World

Written by Sadie Norton

June 22, 2015

Team Collaboration is defined as: A way to accomplish a task that cannot be done by a single person, or a task that can be finished much faster when performed by a team.

Now is the time that our cities use the resources that are readily available to them; for the team collaboration that needs to be put into place, for a community that is falling to the rising vacant and abandoned properties. These properties are subject to the rise and fall of this county's economy. The foundation of our economy is built upon the extraction of natural resources, including petroleum, gas, phosphate and uintaite (gilsonite), which brings jobs and people in masses, then when times get hard they leave the same way.

We as a city and a community are left with the "left-overs" of this fluctuation in the economy. Communities are left with numerous amounts of foreclosures, vacant, or abandoned homes which is drawing in squatters, homeless, crime, drugs, and theft.

Our city takes pride in the aesthetics of its appearance and reputation. With many tourists visiting each year, the concern about these properties has become a priority. With this in mind, I have implemented the "CAT" team.

This "Community Action Team" consists of members, and supervisors from the Planning Department, Police, Fire, City Attorney, Business License, Code Enforcement, Public Works, City Administration, and Health Department. We meet once a month to discuss issues, problem nuisance properties and other violations which have been brought to our attention. With the collaboration of these department's resources, a plan is put into place, a time period and a proposed outcome, that will be effective to improve the health and safety of the community.

We are also going to be taking advantage of the vacant building registry that has already been proven to be a success in many other towns and municipalities. With these two programs working together and a collaboration of local leaders, we will be able to bridge the gap of the vacant, abandonment property issues.

**Safeguard Properties Offers Scholarships to Kissimmee:
A Returning Program to Champion the Education and Networking
of the Code Enforcement Profession**

Safeguard Properties, a longstanding partner and dedicated supporter of AACE, is pleased to announce that it will continue its tradition of offering 8 scholarships to the Annual Educational Code Conference in Kissimmee, Florida.

Safeguard knows that your city's budget for education may prohibit sending you to an AACE conference and that many code officers may have to spend their own money to join in 4 days of expanding current skill sets, learning about something new in the world of code enforcement and networking with professional colleagues from around the country. The community initiatives department created the Scholarship Program in 2011, recognizing that cities are the laboratory for partnership with the mortgage servicing industry. The department sees firsthand that diminished funding, shrinking housing-related departments and growing caseloads make continuing education more important than ever.

AACE and Safeguard invite you to be a part of The Class of 2015! Since 2011, when AACE gathered in Nashville, code enforcement professionals from Tennessee, Missouri, Kansas, New York, Oklahoma, Arizona, New Mexico, Vermont, Colorado, Michigan, Ohio, Maryland, Iowa, North Carolina, Michigan, Texas, Illinois and Wyoming have been recipients of this great program.

Here's how! Scholarships will be available to 8 code enforcement professionals. The awards will provide registration fees as well as the lodging costs for a four-night stay at host hotel; a value of approximately \$900. Entering the Scholarship Program contest is easy. Simply submit an essay, one of up to 350 words in length, that specifically focuses on one or more of the three pillars of partnership, collaboration and innovation. These are also the leading messages of Safeguard's community initiatives department.

Show how you are creating and implementing solutions to preserve vacant properties and the integrity of neighborhoods. Describe how your position is paramount to building partnership, reinforcing collaboration and creative innovative solutions. AACE will evaluate each essay that touches on one or more of the following:

- Provide an example of a program or initiative that your department has incorporated based on the works of another city/jurisdiction. Explain how it may have been replicated or adjusted to fit your community's needs. What were the results? What was learned? What partnerships were created?
- Share an example of a new collaboration between your department and another department(s) or division(s) within your city or county. What were the issues that needed to be addressed? What project or program was implemented? How did the sharing of perspectives, the creation of compromise, and overall collaboration lead to positive results?
- Provide the framework of an innovative program created and initiated solely by your department. Share the issues that were at hand. Who was involved? What was learned? What were the results that followed? What were the solutions that were created?

Although preference will be given to first-time conference attendees, those who have not attended an AACE conference within the past 5 years are encouraged to submit an essay.

Please note, written confirmation from a direct supervisor or manager authorizing your attendance must accompany your essay submission. Essays without the approval of your supervisor or manager will not be considered.

Be a part of the Class of 2015!

Essays should be submitted via email to Laura Rouse-Devore, AACE President, at laura.rouse-devore@taylor.tx.gov. Entries will be accepted until 5:00pm CT on June 30th. Scholarship recipients will be announced in the July/August 2015 issue of the AACE newsletter.

Safeguard congratulates the AACE Board for its continuing tradition of providing its members with a solid training program featuring agendas with timely and critical issues. For more information on the 2015 Annual Education Conference, including its location, updates on the agenda and speakers, please visit www.aace1.org.

Allen Parker

From: Trevor Carter <trevor.carter@gmail.com>
Sent: Tuesday, November 10, 2015 1:09 PM
To: Allen Parker
Subject: Re: Zoning Change

Allen,

I have decided to pull my application for the rezoning. I will not be pursuing it further and have informed the owner (Randall) as well.

Please respond to this email to confirm receipt.

Thank you,

Trevor Carter
trevor@syncinmotion.com

On Oct 22, 2015, at 2:54 PM, Allen Parker <aparker@vernalcity.org> wrote:

Yes. Sorry, I really shouldn't have assumed that you knew the hearing dates.

Allen

On Oct 22, 2015, at 11:54 AM, Sync <trevor@syncinmotion.com> wrote:

Thanks Allen,

Is there anyway I could get notice on these items about a week out. I usually have to buy airline tickets to get out there.

Trevor Carter
Sync Management LLC
808.430.2733

On Wed, Oct 21, 2015 at 2:00 PM, Allen Parker <aparker@vernalcity.org> wrote:

Hi Trevor,

Just a heads up. The City Council's hearing on the rezone needs to go forward as advertised tonight, however they can't make a decision until they receive the final recommendation from the Planning Commission. Planning Commission is going to take up the issue again at their November meeting. Ken Bassett is going to request that the hearing tonight be continued on to the next City Council meeting to facilitate reaching a

final decision. I won't be at the meeting tonight. I have to go to Minneapolis for a military exercise. Let me know if you have any questions.

Allen

E. Allen Parker

Assistant City Manager/Planning Director

Vernal City

374 East Main St.

Vernal, Utah 84078

435-789-2271 Office

435-789-2256 Fax

-----Original Message-----

From: Trevor Carter [mailto:trevor@syncinmotion.com]

Sent: Friday, August 21, 2015 12:59 PM

To: Allen Parker

Subject: Re: Zoning Change

Thank you.

> On Aug 21, 2015, at 10:53 AM, Allen Parker <aparker@vernalcity.org>
> wrote:

>

> Trevor,

>

> Here's a copy of the notices we placed in the newspaper. You're on
> for September. Please note that there is no scheduled City Council
> meeting after September 8th until the one noted in October.

>

> Allen

>

>

> -----Original Message-----

> From: Trevor Carter [mailto:trevor@syncinmotion.com]

> Sent: Friday, August 21, 2015 10:28 AM

> To: Allen Parker

> Subject: Re: Zoning Change

>

> Thank you Allen. I appreciate the response and look forward to your
> reply.

>

>
>>> On Aug 20, 2015, at 8:38 AM, Allen Parker <aparker@vernalcity.org>
>> wrote:
>>
>> Let me verify everything when I get back into the office this
afternoon.
>> I'm sure you are on the agenda, I just want to double check.
>>
>> Allen
>>
>>
>> -----Original Message-----
>> From: Trevor Carter [<mailto:trevor@syncinmotion.com>]
>> Sent: Thursday, August 20, 2015 9:37 AM
>> To: Allen Parker
>> Subject: Zoning Change
>>
>> Allen,
>>
>> Currently making travel arrangements and wanted to check in and
>> ensure we are ready to go for the rezone request the day after Labor
>> day on September 8th for the 379 N 500 W property.
>>
>> Thank you,
>>
>> Trevor Carter
>> trevor@syncinmotion.com
> <Carter (Mills) Rezone PC & CC.PDF>

Vernal Regional Airport Bids

Baldwin

The Department of Transportation is considering two airlines that submitted bids to provide air service at the Vernal Regional Airport. According to Uintah County Commissioner Mark Raymond, Boutique Air and ViaAir have both submitted qualifying bids now under consideration. While the choice is up to the Department of Transportation, Uintah County officials were invited to submit their input on which carrier they would prefer to receive the bid. "We prefer ViaAir," shares Raymond. "The enplanements traveling out of and into Vernal would be a challenge for Boutique to match but ViaAir will be able to do that and their proposal is to provide service to and from Denver." Another thing ViaAir has going for them is they are already TSA qualified while Boutique Air is not. Uintah County Commissioners submitted their letter requesting for ViaAir service yesterday and will make a public announcement as soon as they are informed of a final decision.

Zimbra

kbassett@vernalcity.org

Essential Air Carrier

From : Ellen Daley <edaley@uintah.utah.gov>
Subject : Essential Air Carrier

Tue, Nov 10, 2015 02:42 PM

To : albert muldoon <albert.muldoon@dot.gov>, Mike McKee
<mmckee@uintah.utah.gov>, Bill Stringer
<bstringer@uintah.utah.gov>, Mark Raymond
<mraymond@uintah.utah.gov>, Kelly Harvey
<kharvey@uintah.utah.gov>, kbassett@vernalcity.org

Mr. Muldoon,

Thank you for your efforts in restoring 'Essential Air Service' to the Uintah Basin.

We respectfully request that you consider the proposal submitted by 'VIA AIR'. We believe that service to the Uintah Basin will be better served by the EMB-120 Brazillia. Our enplanements will exceed the capacity of Botique Air. VIA AIR is also qualified to meet TSA screening and security requirements.

With this in mind we respectfully request VIA AIR be awarded the EAS contract for the Vernal Regional Airport. Thank you for allowing us input to this decision.

We look forward to improved service.

Commissioner Mike McKee, Chair
Commissioner Bill Stringer
Commissioner Mark Raymond

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Zimbra

kbassett@vernalcity.org

RE: Essential Air Carrier

From : albert muldoon <albert.muldoon@dot.gov>
Subject : RE: Essential Air Carrier

Thu, Nov 12, 2015 09:28 AM

 1 attachment

To : edaley@uintah.utah.gov, mmckee@uintah.utah.gov,
bstringer@uintah.utah.gov, mraymond@uintah.utah.gov,
kharvey@uintah.utah.gov, kbassett@vernalcity.org

Cc : Kevin Schlemmer <Kevin.Schlemmer@dot.gov>,
kjfam92@yahoo.com

Thank you for your comments regarding EAS at Vernal, UT. ViaAir does not have authority to operate scheduled passenger air service with 30-passenger aircraft and therefore has proposed to operate service as a public charter under the Alternate Essential Air Service (AEAS) program. As you have endorsed the AEAS bid by ViaAir, the community will need to submit a separate application for participation in the program. Please see the attached Notice establishing the Alternate EAS program for more information on how to apply. Please let us know if you have any other questions.

Regards,
A.J.

From: Ellen Daley [mailto:edaley@uintah.utah.gov]
Sent: Tuesday, November 10, 2015 4:43 PM
To: Muldoon, Albert (OST); Mike McKee; Bill Stringer; Mark Raymond; Kelly Harvey;
kbassett@vernalcity.org
Subject: Essential Air Carrier

Mr. Muldoon,

Thank you for your efforts in restoring 'Essential Air Service' to the Uintah Basin.

We respectfully request that you consider the proposal submitted by 'VIA AIR'. We believe that service to the Uintah Basin will be better served by the EMB-120 Brazilia. Our enplanements will exceed the capacity of Botique Air. VIA AIR is also qualified to meet TSA screening and security requirements.

With this in mind we respectfully request VIA AIR be awarded the EAS contract for the Vernal Regional Airport. Thank you for allowing us input to this decision.

We look forward to improved service.

Commissioner Mike McKee, Chair
Commissioner Bill Stringer

Commissioner Mark Raymond

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Alternate EAS Notice.pdf

197 KB

Served: July 27, 2004



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

ESTABLISHMENT OF ALTERNATE ESSENTIAL AIR SERVICE PILOT
PROGRAM PURSUANT TO VISION 100 -- 49 U.S.C. § 41745
Docket OST-2004-18715

NOTICE

OVERVIEW

On December 12, 2003, President Bush signed into law the Vision 100--Century of Aviation Reauthorization Act, P.L. 108-176 (Vision 100), which, among other things, directs the Department to establish certain *Community and Regional Choice Programs*. One of those is the *Alternate Essential Air Service Pilot Program* (Pilot Program). (See section 405, which adds 49 U.S.C. 41745.) This notice provides information to communities interested in pursuing this alternative to the Essential Air Service (EAS) program.

FUNDING OPPORTUNITY

Congress established this Pilot Program to provide communities with an alternative to the traditional EAS-type service. Typically, the EAS program pays subsidy to regional air carriers to provide two or three round trips a day to a major hub airport with 19-seat aircraft. The new Pilot Program is designed to allow communities to forego their EAS for a prescribed amount of time in exchange for receiving a grant to spend in a variety of ways that might better suit their individual needs.¹ These options are spelled out in statute and include more frequent service with smaller aircraft, on-demand air taxi service, scheduled or on-demand surface transportation, regionalized air service, or purchasing an aircraft.²

AWARD INFORMATION

We are implementing the Pilot Program by inviting communities to submit applications to use EAS funds in an alternative manner to address their transportation needs. We will

¹ Under no circumstances could a community participate in both the traditional EAS program and the Pilot Program at the same time. Communities choosing to withdraw from the Pilot Program may request to be reinstated in the traditional EAS program, but there could be a hiatus in service.

² See Appendix A for a copy of the statute.

use an open and flexible format for applications because we recognize that each community's circumstances may be different, and they need latitude in identifying their own objectives and developing strategies for accomplishing them. At the same time, general, vague, or unsupported applications will not be entertained. The more highly defined the application, the more likely it will receive favorable consideration.

ELIGIBILITY INFORMATION

The communities that are eligible to apply for participation in the program are those that are being served by an air carrier that is receiving subsidy under the EAS program at the time of application.

COST SHARING/LOCAL CONTRIBUTION

There is no cost sharing or local contribution required.

APPLICATION AND SUBMISSION INFORMATION

At a minimum, applications should specifically include the following:

- A description of the community's existing air service, including the carrier(s) providing service, service frequency, direct and connecting destinations offered, available fares, and equipment types.
- A synopsis of the community's service history, including destinations, traffic levels, service providers, and any extenuating factors that might have affected traffic in the past or that can be expected to influence service needs in the near to intermediate term.
- A strategic plan for meeting the community's needs through the Pilot Program, including the community's specific project goal and a realistic timetable for attaining that goal.
- An analysis of the funding necessary for implementation of the community's project.
- An explanation of how the community will ensure that its funds are spent in the manner proposed.
- Descriptions of how the community will monitor the success of the program and how the community will identify critical milestones during the life of the program, including the need to modify, or discontinue funding if identified milestones cannot be met.

- An explanation of how the community will continue to meet the statutory eligibility criteria, especially the \$200 subsidy-per-passenger ceiling.
- The annual amount of the grant sought. The maximum grant amount available for a community will be no more than the annual subsidy that a carrier is being paid for traditional EAS at the time of a community's application.
- A description as to the duration of the grant. Applicants should set a finite period for how long the grant would remain in effect, and describe what its expectations are at the end of that period. The Department would have to reassess the community's service situation towards the end of the grant period to see if the circumstances had changed since the initial award was granted.

Where communities are served over a linear route, e.g., EAS community A to EAS community B to Hub, one-half of the total subsidy is assigned to each community, and that would represent the maximum amount of funding available under the Pilot Program. If one of the two communities wanted to opt for the Pilot Program, the subsidy cost to support the other community's traditional EAS program might well be greater than one-half of the total. In that case, less than one-half of the total would be available for the community opting into the Pilot Program. Similar logic would apply to communities served as part of a larger integrated package, e.g., the seven subsidized communities in Montana.

In addition, all eligibility criteria for the EAS program must continue to be met under the Pilot Program. For example, to ensure that EAS funds are spent prudently, Congress has established certain eligibility criteria. Under Public Law 106-69, the Department of Transportation and Related Agencies Appropriations Act of 2000, the Department is precluded from compensating a carrier for serving any community within 70 driving miles of a medium or large hub airport or communities where the subsidy exceeds \$200 per passenger, unless that community is farther than 210 miles from the nearest large or medium hub airport.³

FUNDING RESTRICTIONS

Each community awarded a grant will be expected to execute a grant agreement with the Department before it begins spending funds under a grant award. Applicants should therefore not assume they have received grants, nor obligate or spend local funds, prior to receiving and fully executing grant agreements under this program. Funding from this grant may not be used to pay for expenditures made prior to the execution of the grant agreements. Communities should also be aware that numerous assurances are required to be made and honored when federal funds are awarded (including non-discrimination,

³ Any changes in the eligibility criteria for the traditional EAS program would also apply to the Pilot Program.

anti-drug, and anti-lobbying certifications⁴), and acceptance of the responsibilities of those assurances is a requirement for receiving a grant under the program.⁵

FILING DATE/POINT OF CONTACT

Applications may be submitted by hand, mail, or express delivery. The applications will be maintained in a public docket accessible by the general public and other applicants. Interested communities should submit an original and three copies of their applications if submitting by, hand, mail, or express delivery.⁶ The cover page for all applications regardless of the method of submission should bear the title "Application for Inclusion in the Alternate Essential Air Service Program," and should include the docket number as shown on the first page of this order, the name of the community or consortium of communities applying, the legal sponsor, and the community's Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.⁷ The application should be sent/delivered to Dockets Operations and Media Management, M-30, Room PL-401, Department of Transportation, 400 7th Street, SW, Washington, DC 20590. Questions regarding the pilot program or the filing of applications should be directed to Dennis DeVany, Chief, EAS and Domestic Analysis Division, at (202) 366-1053 or dennis.devany@ost.dot.gov.

APPLICATION REVIEW INFORMATION

The Department will carefully review each application and the staff may contact applicants and discuss their applications with them if clarification or more information is

⁴ These certifications are in Appendix B and are available on the web at <http://ostpxweb.dot.gov/aviation/index.html>.

⁵ Questions may be directed to the Department at (202) 366-1053.

⁶ Communities may submit their proposals electronically by following the instructions at the following website <http://dms.dot.gov>. If they do so, however, they should not also submit a hard copy of the application to the Dockets Operations and Media Management Office. Moreover, any additional materials such as DVDs and videos cannot be included in the docket management system. To the extent that communities want to include such information in their proposals, they should provide a separate, hard copy of their complete application to the Department's Office of Aviation Analysis, X-50, Room 6401. Questions about electronic filing procedures should be addressed to Ms. Andrea Jenkins, Program Manager, Dockets Operations and Media Management, at (202) 366-0271.

⁷ The Office of Management and Budget (OMB) issued a new policy with respect to applications for federal grants. Effective October 1, 2003, applicants for federal grants must include in their applications their DUNS number. There are two ways to obtain a DUNS number. Institutions can use the special toll-free number for federal grant applicants at 1-866-705-5711. The process will take about ten minutes and the institution will receive a DUNS number within a few business days. When applying, the institution needs to indicate that it is filing an application under a federal grant program and needs to register for a DUNS number. In addition, the institution will need to provide the following information: the name of the institution, address, telephone number, name of the head of the institution, type of institution (university, library, government entity etc), and total number of employees (full- and part-time). Alternatively, the institution can register for a DUNS number via Dun & Bradstreet's website at <https://eupdate.dnb.com/requestoptions.html>. Choose the "DUNS number only" option. OMB has adopted the use of DUNS numbers as a way to keep track of how federal grant money is dispersed. Notice of this policy was published in the Federal Register on June 27, 2003 [FR38402].

needed. Communities may amend their applications at any time prior to the Department's decision, and those amendments will be considered. The grant awards will be made as quickly as possible.

It is important to note that this is not a competitive process pitting one community against another. Rather, each applicant will be judged on the merits of its proposal. There is no limit on the number of potential participants in the Pilot Program. We seek proposals that are fully thought out and are designed to meet the individualized needs of a community. We encourage proposals that have the greatest chance of increasing passenger usage and therefore reducing the need for future subsidy under either the EAS or Pilot Program.

AWARD ADMINISTRATION INFORMATION

The Department will announce its grant selections by Order, which will be served on each grant recipient, all other applicants, and all parties served with this order. It will also be published in the Federal Register and posted on the Department's webpage.

The grant agreements between the Department and the selected communities will require periodic reports on the progress of implementation of the grant project, as well as periodic submissions of additional material relevant to the grant project, such as copies of advertising and promotional material, and copies of contracts with consultants and service providers. In addition, communities will be required to submit a final report to the Department when their full financial commitment has been made. The frequency of such requests will be established in the grant agreement, which will be tailored to the specific features of the community's grant project.

We shall serve a copy of this notice on all communities currently receiving subsidized air under the EAS program listed in Appendix C.

By:

KARAN K. BHATIA
Assistant Secretary for Aviation
and International Affairs

Dated: July 22, 2004

(SEAL)

An electronic version of this document will be available on the World Wide Web at:
<http://dms.dot.gov/>



Response to Order: Order 2015-9-23

UNITED STATES OF AMERICA

Department Of Transportation

Docket DOT-OST-1997-2827

Docket DOT-OST-1997-2706

Proposal to Provide
Essential Air Service at

Moab, Utah

Vernal, Utah

October 28, 2015



October 28, 2015

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Dear Sir or Madam:

In response to Order 2015-9-23, Via Air is pleased to submit the attached proposal for EAS service.

ViaAir LLC is an indirect Air Carrier operating under DOT Regulation 14 CFR 380 together with its subsidiary Via Airlines d.b.a. Charter Air Transport as the Direct Air Carrier on 30 Pax EMB-120 ("ViaAir").

ViaAir will be the contracting and the Indirect Air Carrier of the proposed EAS service.

Our proposal includes the use of Denver International (DEN) as the hub. DEN is the currently serviced Hub and offers the advantage of minimal changes to the community.

Via Airlines d.b.a. Charter Air Transport is Part 135 Air Carrier Certificate number GN0A005I with DOT Commuter Air Carrier authorization was founded in 1997 and has grown to become a prominent charter commuter air carrier operating 30 passenger planes while maintaining an excellent safety record and one of the highest dispatch rates in the nation. The company has earned an ARG/US Gold rating and continuously strives and maintains best in class safety, quality and customer satisfaction.

Our experienced team understands the unique requirements of on-schedule operation and that being on time is part of our core service. We pride ourselves at being more than just transportation; as such we always go above and beyond as proven in our excellent client satisfaction rate.

The proposed subsidy requirements and schedules are provided in the attached exhibits for the communities of Moab and Vernal EAS service. The costs used to calculate the subsidy are based on our multi-year annual cost analysis.

ViaAir hereby certifies that we are in compliance with Department regulations regarding drug-free workplaces, nondiscrimination and with the regulations governing lobbying activities. We understand that upon selection, we will be required to complete the required certifications.

We look forward to hearing from you and hopefully provide you with the flight services you need.

Sincerely,

Irit Vizer

President

irit@flyviaair.com

218 Jackson Street · Maitland, FL 32751 · (407) 374-2429 · Fax (407) 374-2429 · sales@flyviaair.com

ViaAir LLC Proprietary information

Page 2 of 7



Executive Summary and Proposal Overview

Thank you for the opportunity to bid on the Essential Air Service for the Moab and Vernal communities.

ViaAir LLC is an indirect Air Carrier operating under DOT Regulation 14 CFR 380 together with Via Airlines d.b.a. Charter Air Transport as the Direct Air Carrier on 30 Pax EMB-120 ("ViaAir"). ViaAir LLC will be the contracting and the Indirect Air Carrier of the proposed EAS service.

Via Airlines d.b.a. Charter Air Transport as the Direct Air Carrier has been providing Air transportation service for over 18 years currently operating 30 passenger EMB-120 and ERJ-145. We are proud to have been providing such service with excellent dispatch rate of over 98%, excellent safety record and client oriented service and support.

We still believe that Air Service is a service and not just means of transportation. Our experienced team understands that client satisfaction and community support are critical to the creation of a successful flight operation. We pride ourselves at being more than just transportation; as such we always go *above and beyond* as proven in our excellent client satisfaction rate.

Via Airlines d.b.a. Charter Air Transport was founded in 1997 and has grown to become a prominent Air Carrier operating 30 passenger planes while maintaining an excellent safety record and an excellent dispatch rates. The company has earned an ARG/US Gold rating and continuously strives and maintains best-in-class safety, quality and customer satisfaction.



The EMB-120 is ideal for the requirements detailed in the Order. As an airplane that was built to meet the

more demanding requirements of FAR-25 it is safe, reliable and fast. Operated by over 27 operators worldwide and over 5 million flight hours, it has great positive past record.

ViaAir is utilizing AmeliaRes as its reservation system. AmeliaRes is a complete Airline Reservation, ticketing and Departure Control System allowing our passengers to easily book, ticket and manage their reservation.

At ViaAir, we work closely with our clients and the communities we serve. This is even more important when providing Essential Air Service where the direct communication between our executive team and the community officials is key. As part of ViaAir's integration with the community, we intend, as allowed by



applicable laws, to maximize the use of local vendors by providing preference to local vendors and employees. ViaAir intends to use any local service provider that is able to provide a required service at a similar quality level and at least the same cost as non-local vendors (e.g. catering and ground service, customer support, etc.).

ViaAir plans to heavily promote the air service to the community by utilizing media ads, online marketing, and sponsoring local events.

ViaAir as the contracting and the Indirect Air Carrier operating under DOT Regulation 14 CFR 380 together with its subsidiary Via Airlines d.b.a. Charter Air Transport as the Direct Air Carrier offering service on 30 Pax EMB-120. If selected, award shall be under the AEAS.

As detailed in the Exhibits, ViaAir's proposal details the subsidy requirements for each community.

In the event of an award of both cities to ViaAir, the combined annual subsidy can be lowered by \$682,788.





Exhibit A – Sample Schedule

This is a **sample** schedule, ViaAir intends to communicate with the community on a desired schedule and evaluate any potential changes to the departure times (also after service start date) as long as it within the FAA and DOT regulations, specifically crew duty day requirements.

CNY-DEN

Orig	Dest	Dept	Arr	Equip	Days	Stops
DEN	CNY	9:42	11:00	EMB-120	Daily	(1) Non-Stop
CNY	DEN	11:30	12:48	EMB-120	Thurs-Mon	(1) Non-Stop
DEN	CNY	16:42	18:00	EMB-120	Mon-Fri	(1) Non-Stop
CNY	DEN	18:30	19:48	EMB-120	Daily	(1) Non-Stop

VEL-DEN

Orig	Dest	Dept	Arr	Equip	Days	Stops
VEL	DEN	8:00	9:12	EMB-120	Daily	(1) Non-Stop
DEN	VEL	13:18	14:30	EMB-120	Mon-Fri	(1) Non-Stop
VEL	DEN	15:00	16:12	EMB-120	Mon-Fri	(1) Non-Stop
DEN	VEL	20:18	21:30	EMB-120	Daily	(1) Non-Stop

(1) As coordinated with the community, flights might be a one stop legs



Exhibit B - Financial Information

CNY-DEN

EAS Station Hub	CNY DEN	
Round trips per week		12
Completion Factor		98%
Total Passengers		9,020
Total Block Hours		1,439
Total Departures		1,223
Passenger Revenue	\$	496,096
Other Revenue	\$	9,922
Total Revenue	\$	506,018
Crew	\$	598,624
Fuel and De-Ice	\$	1,459,146
Maintenance	\$	683,525
Aircraft	\$	395,725
Ground Operations	\$	366,912
Total Directs	\$	3,503,932
Total Indirects	\$	770,865
Total Operating	\$	4,274,797
Profit @5%	\$	213,740
Economic Cost	\$	4,488,537
Required Annual Subsidy Rate	\$	3,982,519



VEL-DEN

EAS Station Hub	VEL DEN	
Round trips per week		12
Completion Factor		98%
Total Passengers		8,765
Total Block Hours		1,319
Total Departures		1,223
Passenger Revenue	\$	482,082
Other Revenue	\$	9,642
<u>Total Revenue</u>	<u>\$</u>	<u>491,723</u>
Crew	\$	598,826
Fuel and De-Ice	\$	1,350,656
Maintenance	\$	626,525
Aircraft	\$	395,700
Ground Operations	\$	366,912
<u>Total Directs</u>	<u>\$</u>	<u>3,338,619</u>
Total Indirects	\$	734,496
Total Operating	\$	4,073,115
Profit @5%	\$	203,656
<u>Economic Cost</u>	<u>\$</u>	<u>4,276,771</u>
Required Annual Subsidy Rate	\$	3,785,048



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Vernal

About Boutique Air

Our Story

Headquartered in San Francisco, California, Boutique Air has been in operation since 2007. We began by flying fire surveillance missions for the U.S. Forestry Service and Bureau of Land Management. We evolved to provide air charter services from the Burbank, Hawthorne, Las Vegas and Redding airports with our Pilatus and Cessna fleet of aircraft. As a charter operator we have received certifications from both industry leading safety organizations, ARG/US and Wyvern. Boutique Air has pilots that are highly experienced and hold the most advanced FAA ratings - a key reason for our continued perfect safety record.

In July of 2012 Boutique Air applied for commuter operating authority from the Department of Transportation. We quickly passed tests on financial fitness and management competency, receiving authority for scheduled service in January of 2013.

We began scheduled service between Los Angeles and Las Vegas in January of 2014.

We have worked to develop our distribution channels. We have connections in place with all of the major Global Distribution Systems (GDSs), which travel agents use to access the market. You will find us on Worldspan and Apollo (Travelport), Sabre, and Amadeus. In addition, we are on the major Online Travel Agencies (OTAs), including Expedia, Travelocity, Priceline, Orbitz, CheapTickets, and CheapOAir.

EAS Contracts

Route

Clovis (CVN) - Dallas (DFW)
Silver City (SVC) - Albuquerque (ABQ)
Carlsbad (CNM) - Dallas (DFW)
Carlsbad (CNM) - Albuquerque (ABQ)
Alliance, NE (AIA) - Denver (DEN)
Chadron, NE (CDR) - Denver (DEN)
Show Low AZ (SOW) - Phoenix (PHX)
Merced, CA (MCE) - Los Angeles (LAX)
Merced, CA (MCE) - Oakland (OAK)

Start Date

July 15, 2014
January 5, 2015
June 1, 2015
June 1, 2015
July 1, 2015
July 15, 2015
August 1, 2015
October 5, 2015
October 5, 2015



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Route

Merced, CA (MCE) - Las Vegas (LAS)
Phoenix, AZ (PHX) - Las Vegas (LAS)
Los Alamos (LAM) - Albuquerque (ABQ)
Greenville, MS (GLH) - Dallas (DFW)
Greenville, MS (GLH) - Nashville (BNA)

Start Date

November 1, 2015
November 1, 2015
November 1, 2015
November 10, 2015 *(Anticipated Start)
November 10, 2015 *(Anticipated Start)

Special Note on Boutique Air's TSA Security Program

During early 2015, Boutique Air has been working with the TSA and DHS on obtaining a full security program. This security program will allow Boutique Air to operate from sterile airport locations allowing our passengers a seamless and more efficient travel experience by only having to go through Airport/TSA security once. We began sterile security operations from EAS communities in Nebraska and Arizona to and from Denver International Airport and Phoenix Sky Harbor International Airport in June. The TSA approved Boutique Air's full AOSSP Security Program in June 2015. We continue to grow our EAS route network with the addition of Merced, CA and Greenville, MS which includes operations from LAX, OAK, LAS, and BNA.

Special Note on Boutique Air's Advertising

In order to increase brand recognition in the community, Boutique Air will spend at least \$20,000 per year on advertising & marketing to make Vernal's air service a success. We will utilize a combination of radio, print, billboard, TV, and internet advertising.

Special Note on Service Start Date

Boutique Air will begin service 60-90 days after the DOT issues the order selecting Boutique Air as the EAS Carrier. Boutique air will start service as early as operationally possible.

Special Note on Twin Engine Aircraft

In response to community's interest for multi-engine aircraft, Boutique Air is engaged and excited to provide a multi-engine solution for the needs of the community.



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What People Are Saying About Boutique Air

*Boutique Air PC-12, one of the **best turboprop aircraft** on the market!... Give them a try!!*
-Tarek A. via Yelp.com

*We also feel that the PC-12 aircraft bid by Boutique Air presents the **safest and most comfortable option for the traveling public.***

-Hon. Mayor David Lansford in Recommendation Letter
City of Clovis, NM

*Flew with Boutique from LA to Vegas and back and must say I was extremely surprised. From the ease of check-in, To the flight itself, **the whole process was great.** Price was competitive with any other airline out there. I plan on flying boutique for all my Vegas outings, and may even look into renting the whole plane for a group trip. Thanks Boutique!*

-Kevin J. via Yelp.com

*We find that Boutique Air is fit, willing and able to operate as a commuter air carrier, and **capable of providing reliable Essential Air Service...***

-Susan L. Kurland in Clovis EAS Award
Asst. Sec. for Aviation and International Affairs
US DOT

*Right now Boutique Air is **a very cool secret.***

-Examiner.com

*Flew with Boutique Air from LA to Las Vegas round trip and it was a great experience. **Good service, on time departures, and a hassle free and nice way to travel** in general. A really nice pilot and copilot as well.*

-Patrick S. via Yelp.com

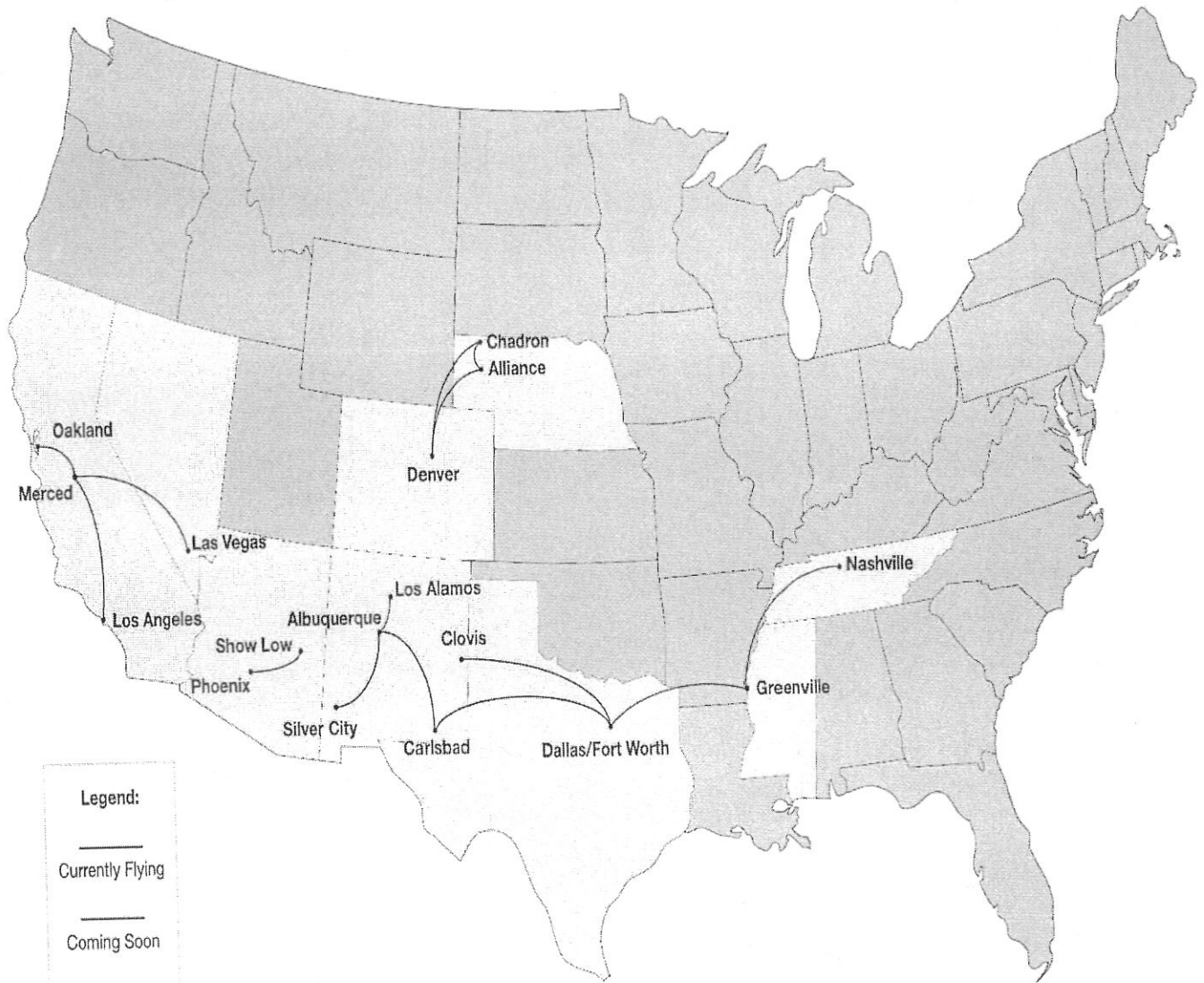
***Smooth flights and personable staff** are part of the experience...*



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-Clovis News Journal

Route Map





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Aircraft

Boutique Air currently flies a fleet of 4 Pilatus PC-12 aircraft. We operate a modern fleet of aircraft ranging from 2004-2007. All flights are flown by Captains with over 1200 hours of flight experience and an instrument rating. While we are certified to fly single pilot we opt to fly with a two member crew.

- 8 Passenger Executive Configuration OR 9 Passenger Commuter Configuration
- Pressurized Cabin
- Power Outlets
- Enclosed Lavatory

Photos of Boutique Air Aircraft





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Photos of Boutique Air Aircraft





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Reliability & Performance

Clovis, NM (CVN)

CVN	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Passengers	Pax per Flight	Completion Factor
July 2014	7/15 to 7/31	90	84	2	4	167	1.99	93.3%
August 2014	8/1 to 8/31	156	154	0	2	551	3.58	98.7%
September 2014	9/1 to 9/30	156	156	0	0	658	4.22	100.0%
October 2014	10/1 to 10/31	162	162	0	0	788	4.86	100.0%
November 2014	11/1 to 11/30	150	148	2	0	732	4.95	98.7%
December 2014	12/1 to 12/31	158	158	0	0	837	5.30	100.0%
January 2015	1/1 to 1/31	162	152	10	0	734	4.83	93.8%
February 2015	2/1 to 2/28	144	140	4	0	707	5.05	97.2%
March 2015	3/1 to 3/31	160	158	2	0	881	5.576	98.8%
April 2015	4/1 to 4/30	154	152	2	0	857	5.638	98.7%
May 2015	5/1 to 5/31	160	158	0	2	882	5.582	98.8%
June 2015	6/1 to 6/30	154	154	0	0	854	5.545	100.0%
July 2015	7/1 to 7/31	160	160	0	0	828	5.175	100.0%
August 2015	8/1 to 8/31	160	158	0	2	770	4.873	98.8%
Totals		2126	2094	22	10	10,246	4.89	98.0%



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Silver City, NM (SVC)

SVC	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
January 2015	1/5 to 1/31	187	187	0	0	186	0.99	100.0%
February 2015	2/1 to 2/28	192	190	2	0	452	2.38	99.0%
March 2015	3/1 to 3/31	213	213	0	0	503	2.36	100.0%
April 2015	4/1 to 4/30	208	208	0	0	587	2.82	100.0%
May 2015	5/1 to 5/31	208	204	0	4	715	3.51	98.1%
June 2015	6/1 to 6/30	208	208	0	0	712	3.42	100.0%
July 2015	7/1 to 7/31	216	214	0	2	760	3.55	99.1%
August 2015	8/1 to 8/31	208	208	0	0	761	3.66	100.0%
Totals		1640	1632	2	6	4676	2.87	99.5%

Carlsbad, NM (CNM)

CNM	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
June 2015	6/1 to 6/30	104	104	0	0	409	3.93	100.0%
July 2015	7/1 to 7/31	108	108	0	0	563	5.21	100.0%



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August 2015	8/1 to 8/31	104	104	0	0	492	4.73	100.0%
Totals		316	316	0	0	1464	4.63	100.0%

Alliance, NE (AIA)

AIA	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
July 2015	7/1 to 7/31	108	108	0	0	217	2.01	100.0%
August 2015	8/1 to 8/31	104	104	0	0	275	2.64	100.0%
Totals		212	212	0	0	492	2.32	100.0%

Chadron, NE (CDR)

CDR	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
July 2015	7/15 to 7/31	60	60	0	0	175	2.92	100.0%
August 2015	8/1 to 8/31	104	104	0	0	540	5.19	100.0%
Totals		164	164	0	0	715	4.36	100.0%

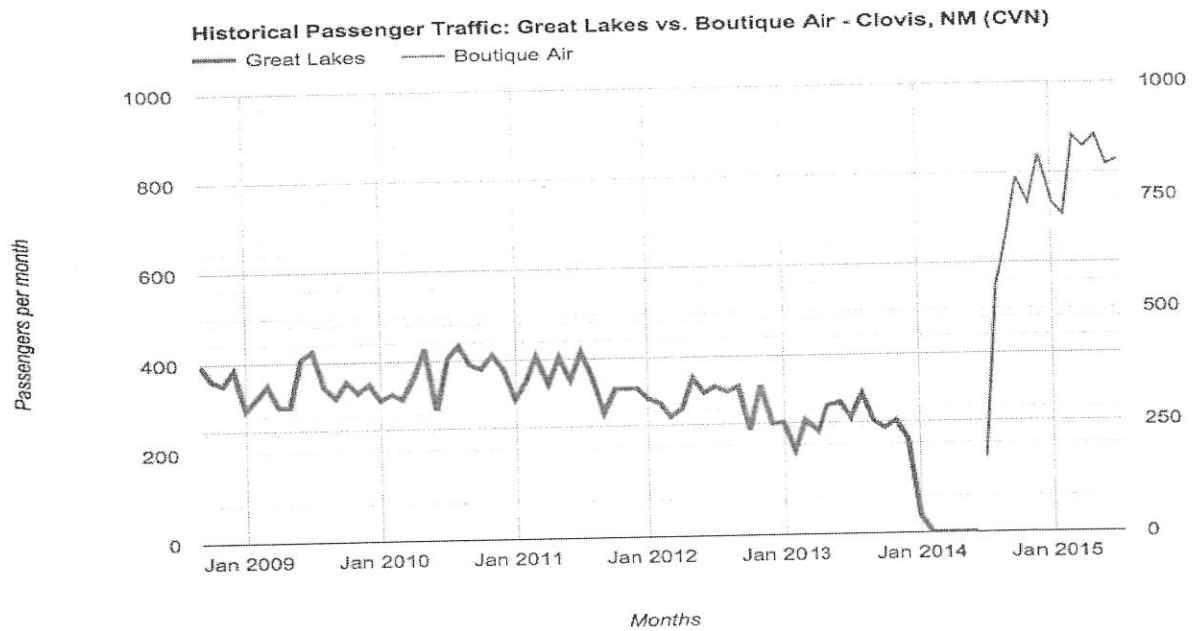
Show Low, AZ (SOW)

SOW	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
August 2015	8/1 to 8/31	160	160	0	0	626	3.91	100.0%
Totals		160	160	0	0	626	3.91	100.0%



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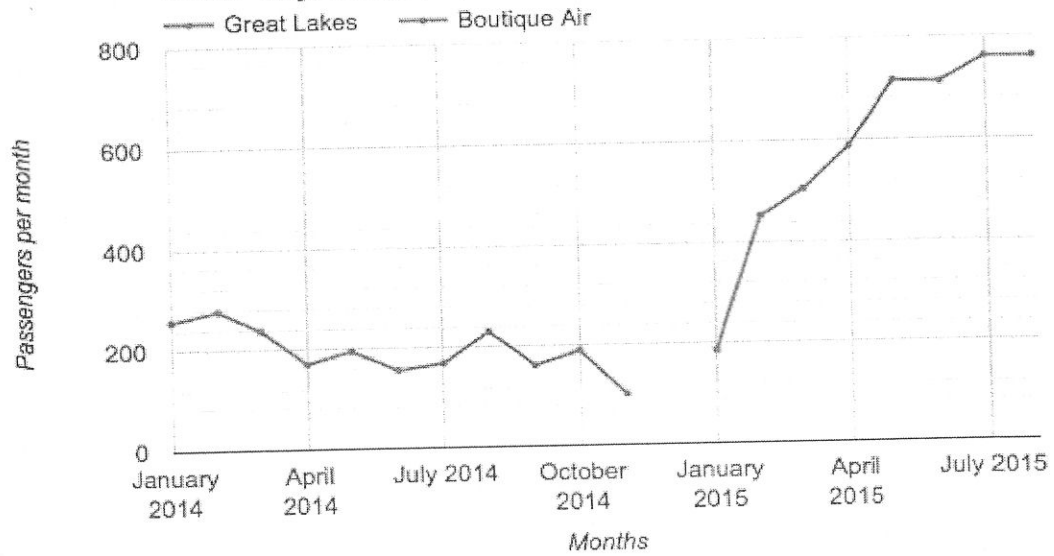
Historic Passenger Traffic





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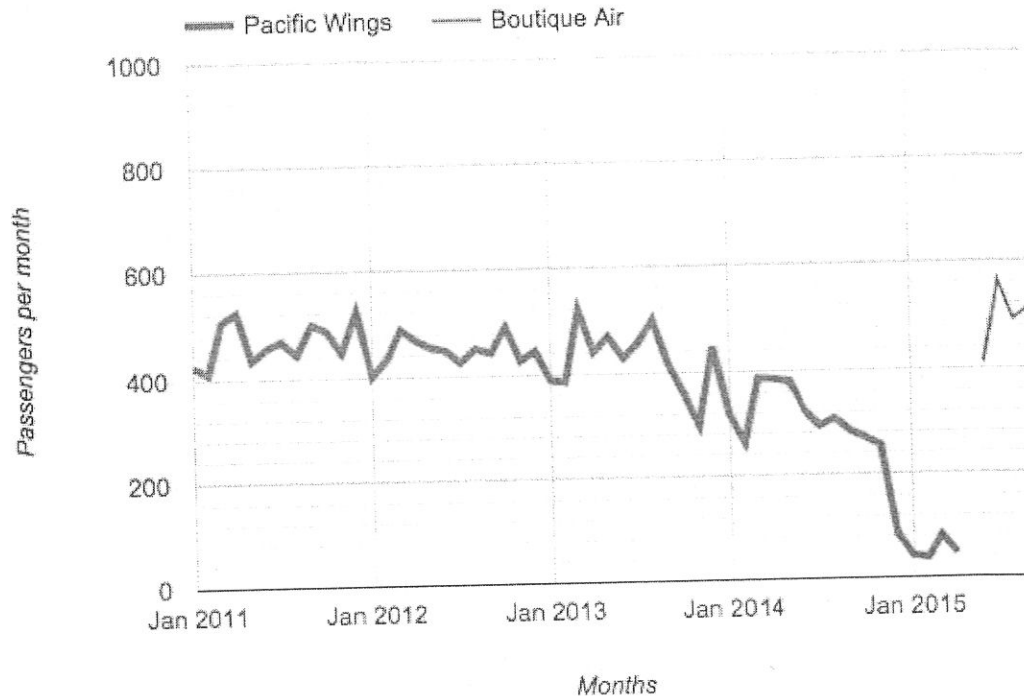
Historical Passenger Traffic: Great Lakes vs. Boutique Air - Silver City, NM (SVC)





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Historical Passenger Traffic: Pacific Wings vs. Boutique Air Air - Carlsbad, NM (CNM)





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Proposal

Overview

Our proposal would be flown in eight or nine-seat, modern, pressurized Pilatus PC-12 aircraft. The term is two years.

From time to time we will also have sales to increase both awareness and passenger counts.

Community Input

Shortly after the bids are complete, Boutique Air will schedule meetings to meet with airport and/or city officials. This will allow us to answer any questions and provide additional information.

While we can't promise we will be able to implement everyone's suggestions, we welcome feedback from the citizens of these communities, as well as anyone who may have an interest in the proposed flights. What we can promise is that we will listen to your feedback, and give it the attention and consideration it deserves.

With respect and appreciation,

Shawn Simpson
CEO



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Vernal, UT (KVEL)

18 Nonstop RT Weekly VEL-SLC (3 Daily RTs)

Community:

Vernal, UT

Operations

Scheduled Flights	1,872
Completed Flights (98%)	1,835
Scheduled Block Hours	1,632
Scheduled Seats	16,848
Scheduled ASMs	2,223,936

Revenue

Passengers	10,250
Average Fare	\$76
Fare Revenue	\$779,000
Total Revenue	\$779,000

Expenses

Fuel	\$656,880
Ownership	\$860,000
Maintenance and Reserves	\$685,440
Staff	\$289,306
Marketing and Distribution	\$37,200
Other Indirect Costs	\$178,830
Total Costs	\$2,707,656

Profit Element

	\$113,883
Margin	5.00%

Total Subsidy \$2,042,539



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Moab

About Boutique Air

Our Story

Headquartered in San Francisco, California, Boutique Air has been in operation since 2007. We began by flying fire surveillance missions for the U.S. Forestry Service and Bureau of Land Management. We evolved to provide air charter services from the Burbank, Hawthorne, Las Vegas and Redding airports with our Pilatus and Cessna fleet of aircraft. As a charter operator we have received certifications from both industry leading safety organizations, ARG/US and Wyvern. Boutique Air has pilots that are highly experienced and hold the most advanced FAA ratings - a key reason for our continued perfect safety record.

In July of 2012 Boutique Air applied for commuter operating authority from the Department of Transportation. We quickly passed tests on financial fitness and management competency, receiving authority for scheduled service in January of 2013.

We began scheduled service between Los Angeles and Las Vegas in January of 2014.

We have worked to develop our distribution channels. We have connections in place with all of the major Global Distribution Systems (GDSs), which travel agents use to access the market. You will find us on Worldspan and Apollo (Travelport), Sabre, and Amadeus. In addition, we are on the major Online Travel Agencies (OTAs), including Expedia, Travelocity, Priceline, Orbitz, CheapTickets, and CheapOAir.

EAS Contracts

<u>Route</u>	<u>Start Date</u>
Clovis (CVN) - Dallas (DFW)	July 15, 2014
Silver City (SVC) - Albuquerque (ABQ)	January 5, 2015
Carlsbad (CNM) - Dallas (DFW)	June 1, 2015
Carlsbad (CNM) - Albuquerque (ABQ)	June 1, 2015
Alliance, NE (AIA) - Denver (DEN)	July 1, 2015
Chadron, NE (CDR) - Denver (DEN)	July 15, 2015
Show Low AZ (SOW) - Phoenix (PHX)	August 1, 2015
Merced, CA (MCE) - Los Angeles (LAX)	October 5, 2015
Merced, CA (MCE) - Oakland (OAK)	October 5, 2015



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<u>Route</u>	<u>Start Date</u>
Merced, CA (MCE) - Las Vegas (LAS)	November 1, 2015
Phoenix, AZ (PHX) - Las Vegas (LAS)	November 1, 2015
Los Alamos (LAM) - Albuquerque (ABQ)	November 1, 2015
Greenville, MS (GLH) - Dallas (DFW)	November 10, 2015 *(Anticipated Start)
Greenville, MS (GLH) - Nashville (BNA)	November 10, 2015 *(Anticipated Start)

Special Note on Boutique Air's TSA Security Program

During early 2015, Boutique Air has been working with the TSA and DHS on obtaining a full security program. This security program will allow Boutique Air to operate from sterile airport locations allowing our passengers a seamless and more efficient travel experience by only having to go through Airport/TSA security once. We began sterile security operations from EAS communities in Nebraska and Arizona to and from Denver International Airport and Phoenix Sky Harbor International Airport in June. The TSA approved Boutique Air's full AOSSP Security Program in June 2015. We continue to grow our EAS route network with the addition of Merced, CA and Greenville, MS which includes operations from LAX, OAK, LAS, and BNA.

Special Note on Boutique Air's Advertising

In order to increase brand recognition in the community, Boutique Air will spend at least \$20,000 per year on advertising & marketing to make Moab's air service a success. We will utilize a combination of radio, print, billboard, TV, and internet advertising.

Special Note on Service Start Date

Boutique Air will begin service 60-90 days after the DOT issues the order selecting Boutique Air as the EAS Carrier. Boutique air will start service as early as operationally possible.



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What People Are Saying About Boutique Air

*Boutique Air PC-12, one of the **best turboprop aircraft** on the market!... Give them a try!!*

-Tarek A. via Yelp.com

*We also feel that the PC-12 aircraft bid by Boutique Air presents the **safest and most comfortable option for the traveling public.***

-Hon. Mayor David Lansford in Recommendation Letter
City of Clovis, NM

*Flew with Boutique from LA to Vegas and back and must say I was extremely surprised. From the ease of check-in, To the flight itself, **the whole process was great.** Price was competitive with any other airline out there. I plan on flying boutique for all my Vegas outings, and may even look into renting the whole plane for a group trip. Thanks Boutique!*

-Kevin J. via Yelp.com

*We find that Boutique Air is fit, willing and able to operate as a commuter air carrier, and **capable of providing reliable Essential Air Service...***

-Susan L. Kurland in Clovis EAS Award
Asst. Sec. for Aviation and International Affairs
US DOT

*Right now Boutique Air is a **very cool secret.***

-Examiner.com

*Flew with Boutique Air from LA to Las Vegas round trip and it was a great experience. **Good service, on time departures, and a hassle free and nice way to travel** in general. A really nice pilot and copilot as well.*

-Patrick S. via Yelp.com

***Smooth flights and personable staff** are part of the experience...*

-Clovis News Journal



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Route Map





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Aircraft

Boutique Air currently flies a fleet of 4 Pilatus PC-12 aircraft. We operate a modern fleet of aircraft ranging from 2004-2007. All flights are flown by Captains with over 1200 hours of flight experience and an instrument rating. While we are certified to fly single pilot we opt to fly with a two member crew.

- 8 Passenger Executive Configuration OR 9 Passenger Commuter Configuration
- Pressurized Cabin
- Power Outlets
- Enclosed Lavatory

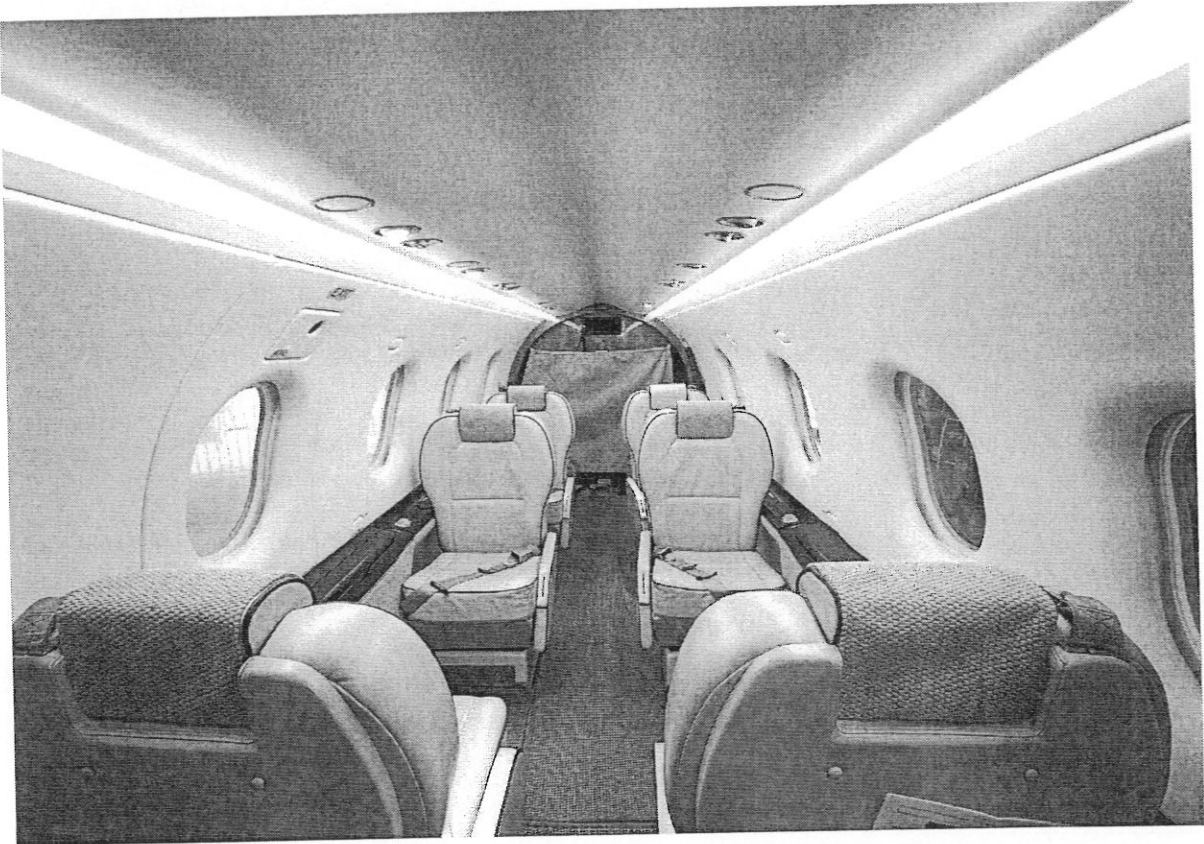
Photos of Boutique Air Aircraft





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Photos of Boutique Air Aircraft



Reliability & Performance
Clovis, NM (CVN)



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CVN	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Passengers	Pax per Flight	Completion Factor
July 2014	7/15 to 7/31	90	84	2	4	167	1.99	93.3%
August 2014	8/1 to 8/31	156	154	0	2	551	3.58	98.7%
September 2014	9/1 to 9/30	156	156	0	0	658	4.22	100.0%
October 2014	10/1 to 10/31	162	162	0	0	788	4.86	100.0%
November 2014	11/1 to 11/30	150	148	2	0	732	4.95	98.7%
December 2014	12/1 to 12/31	158	158	0	0	837	5.30	100.0%
January 2015	1/1 to 1/31	162	152	10	0	734	4.83	93.8%
February 2015	2/1 to 2/28	144	140	4	0	707	5.05	97.2%
March 2015	3/1 to 3/31	160	158	2	0	881	5.576	98.8%
April 2015	4/1 to 4/30	154	152	2	0	857	5.638	98.7%
May 2015	5/1 to 5/31	160	158	0	2	882	5.582	98.8%
June 2015	6/1 to 6/30	154	154	0	0	854	5.545	100.0%
July 2015	7/1 to 7/31	160	160	0	0	828	5.175	100.0%
August 2015	8/1 to 8/31	160	158	0	2	770	4.873	98.8%
Totals		2126	2094	22	10	10,246	4.89	98.0%

Silver City, NM (SVC)

SVC	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
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January 2015	1/5 to 1/31	187	187	0	0	186	0.99	100.0%
February 2015	2/1 to 2/28	192	190	2	0	452	2.38	99.0%
March 2015	3/1 to 3/31	213	213	0	0	503	2.36	100.0%
April 2015	4/1 to 4/30	208	208	0	0	587	2.82	100.0%
May 2015	5/1 to 5/31	208	204	0	4	715	3.51	98.1%
June 2015	6/1 to 6/30	208	208	0	0	712	3.42	100.0%
July 2015	7/1 to 7/31	216	214	0	2	760	3.55	99.1%
August 2015	8/1 to 8/31	208	208	0	0	761	3.66	100.0%
Totals		1640	1632	2	6	4676	2.87	99.5%

Carlsbad, NM (CNM)

CNM	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
June 2015	6/1 to 6/30	104	104	0	0	409	3.93	100.0%
July 2015	7/1 to 7/31	108	108	0	0	563	5.21	100.0%
August 2015	8/1 to 8/31	104	104	0	0	492	4.73	100.0%
Totals		316	316	0	0	1464	4.63	100.0%

Alliance, NE (AIA)

AIA	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
July 2015	7/1 to 7/31	108	108	0	0	217	2.01	100.0%



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August 2015	8/1 to 8/31	104	104	0	0	275	2.64	100.0%
Totals		212	212	0	0	492	2.32	100.0%

Chadron, NE (CDR)

CDR	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
July 2015	7/15 to 7/31	60	60	0	0	175	2.92	100.0%
August 2015	8/1 to 8/31	104	104	0	0	540	5.19	100.0%
Totals		164	164	0	0	715	4.36	100.0%

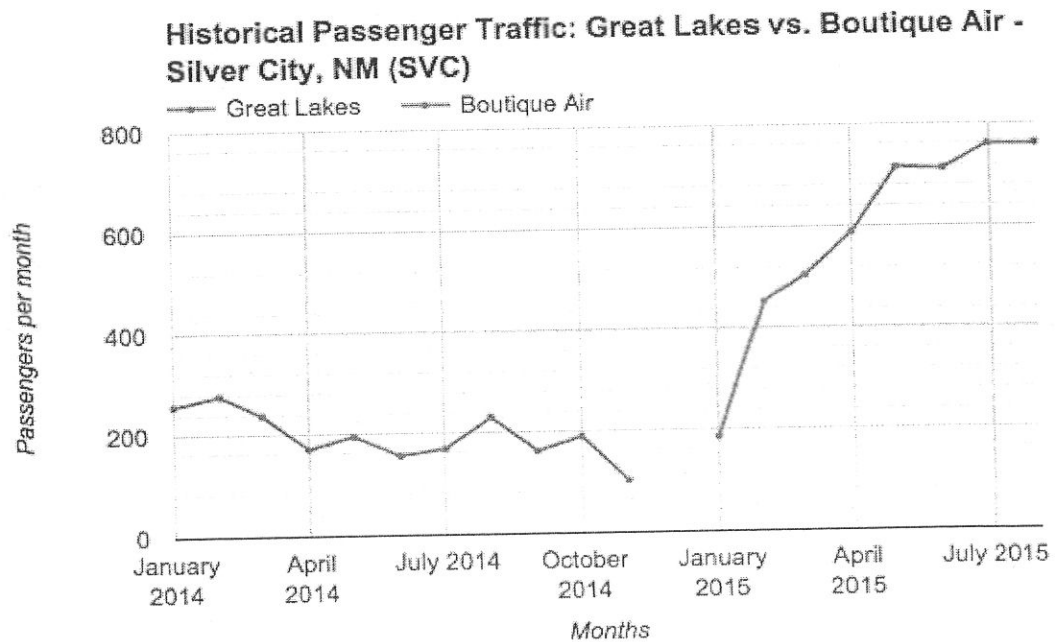
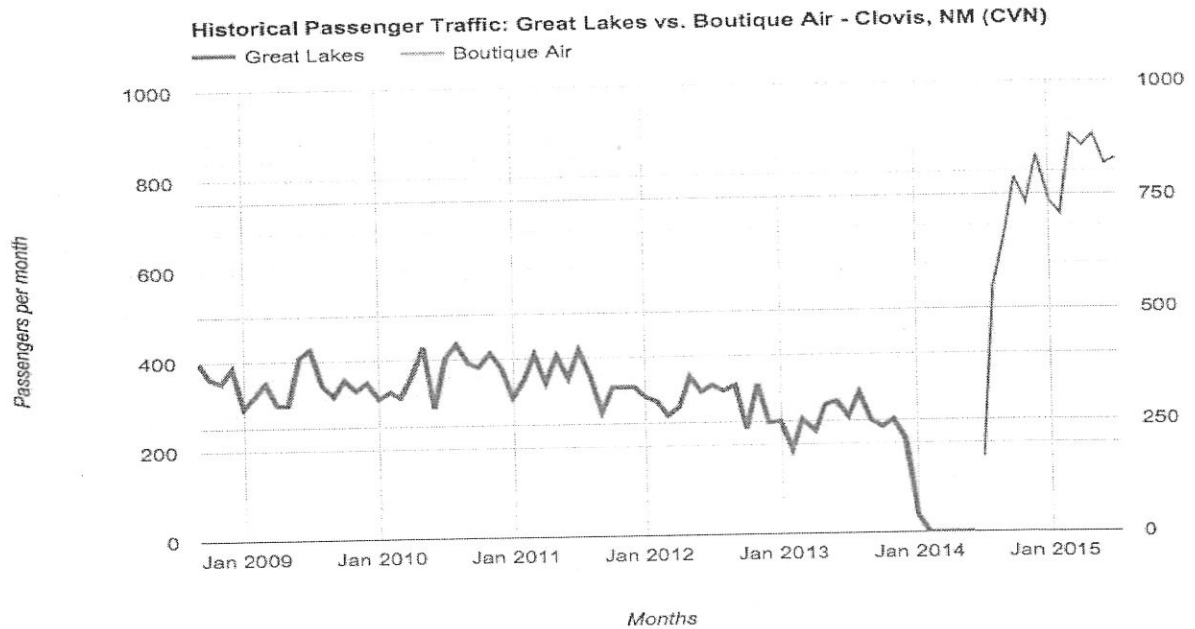
Show Low, AZ (SOW)

SOW	Date range	Scheduled	Flown	Cancelled Weather	Cancelled Other	Pax.	Pax. per flight	Completion factor
August 2015	8/1 to 8/31	160	160	0	0	626	3.91	100.0%
Totals		160	160	0	0	626	3.91	100.0%

Historic Passenger Traffic



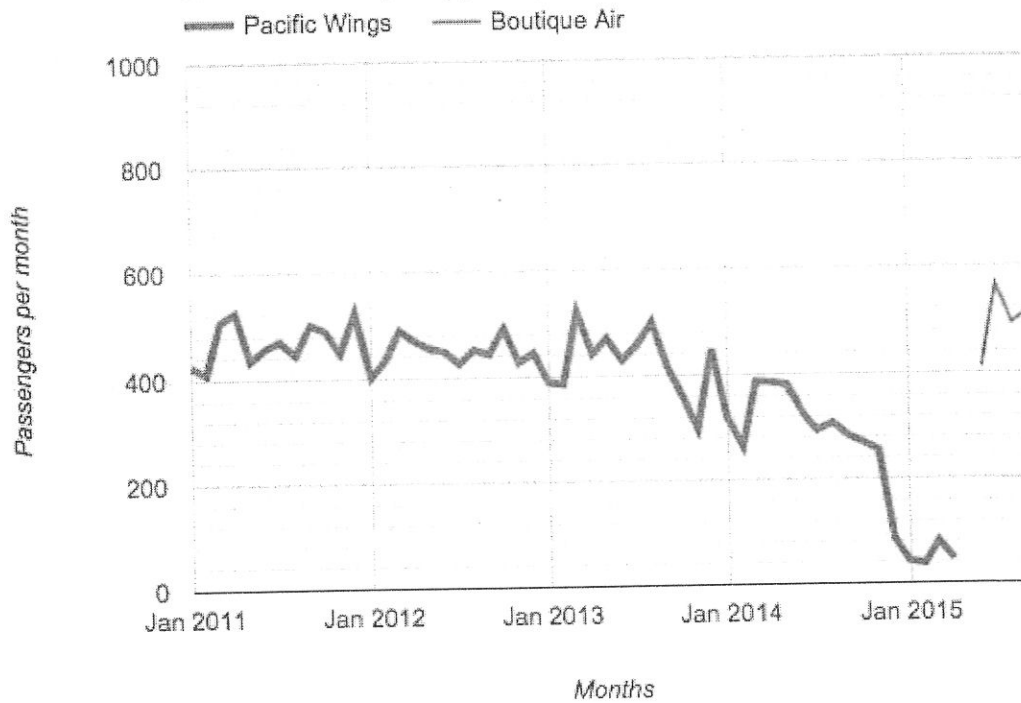
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Historical Passenger Traffic: Pacific Wings vs. Boutique Air Air - Carlsbad, NM (CNM)





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Proposal

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With respect and appreciation,

Shawn Simpson
CEO



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Moab, UT (KCNY)

CNY-DEN/SLC

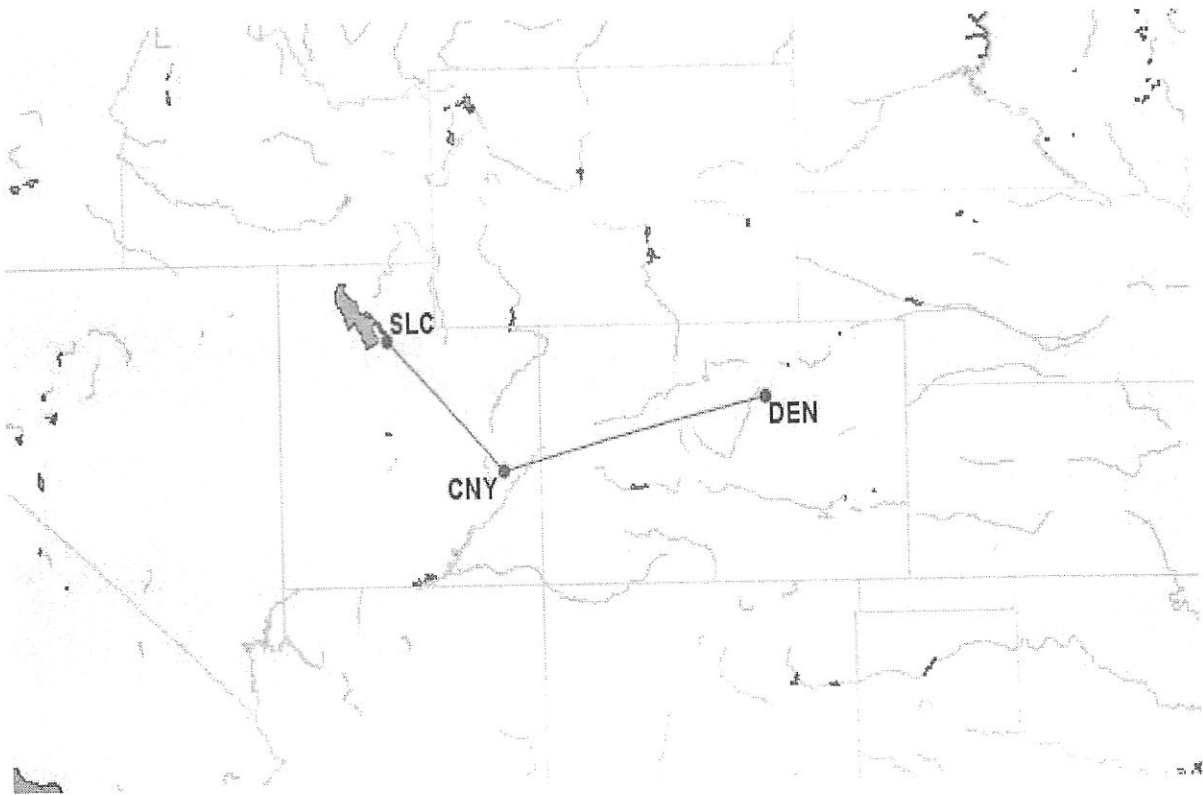
High Season-30 Weeks: 31 RT Weekly April - October (2/3 RTs CNY-DEN/SLC)

Low Season-22 Weeks: 20 RT Weekly: November - March (1/2 RTs CNY-DEN/SLC)

<u>Community:</u>	<u>Moab, UT</u>
Operations	
Scheduled Flights	2,740
Completed Flights (98%)	2,685
Scheduled Block Hours	3,284
Scheduled Seats	21,534
Scheduled ASMs	5,624,640
Revenue	
Passengers	13,000
Average Fare	\$92
Fare Revenue	\$1,196,000
Total Revenue	\$1,196,000
Expenses	
Fuel	\$1,058,400
Ownership	\$960,000
Maintenance and Reserves	\$1,411,200
Staff	\$739,200
Marketing and Distribution	\$25,000
Other Indirect Costs	\$747,000
Total Costs	\$4,940,800
Profit Element	\$247,040
Margin	5.00%
Total Subsidy	\$3,991,840



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Ashley Valley Sewer Management Board

1947 S. Burns Bench Rd. – PO Box 426

Vernal, UT 84078

435-789-9805 435-789-9806 Fax

Subject: Board of Trustees 2015 Stipend Approval

Dear Mayor Norton,

The reason for this letter is the State of Utah Legislature put into place in May of 2015 under House Bill 251, new Fiscal Procedure Policies for all Inter-Local Agreements to follow. Since the Ashley Valley Sewer Management Board is an Inter-Local Agreement including Vernal City, Maeser Water Improvement District, and Ashley Valley Water & Sewer, the Ashley Valley Sewer Management Board will need to follow these new policies and procedures.

Part of the new policy and procedure change includes the need for approval annually by the Vernal City Council to allow the Ashley Valley Sewer Management Board to pay an annual Stipend or Salary to each of their Board of Trustee members that are appointed by Vernal City. Vernal City currently has two appointed Board members; City Councilman Dave Everett and City Councilman Bert Clark.

For the Fiscal year of 2015, the Ashley Valley Sewer Management Board has budgeted for an Annual Stipend of \$3250.00 for each of the Board of Trustee Member's. The duties of a Trustee member includes attending the Monthly Board of Trustee Meeting which is typically 1-2 hrs. These meetings are held to discuss and oversee all operations of the Ashley Valley Water Reclamation Facility including; budgeting, setting user rates, approving expenditures, setting personnel policy & procedures, capital improvements, joint owned sewer line projects and maintenance, employee hiring process, etc.

The Ashley Valley Sewer Management Board is asking for Vernal City's approval to pay an annual stipend of \$3250.00 to each of their representatives that were appointed to the Ashley Valley Sewer Management Board of Trustee's for the year of 2015. Please make the necessary arrangements to have this approved by Vernal City at the next appropriate meeting. Please return this letter with either approval or disapproval marked (X), dated, and signed. If for some reason the stipend is disapproved or approved for a lessor amount, please include the reasoning and the amount in a written statement for the Ashley Valley Sewer Management Board's Records.

_____ Vernal City approves of an Annual Stipend in the amount of \$3250.00 for City Councilman Dave Everett and City Councilman Bert Clark for their services as Trustees on the Ashley Valley Sewer Management Board.

_____ Vernal City disapproves of an Annual Stipend in the amount of \$3250.00 for City Councilman Dave Everett and City Councilman Bert Clark for their services as Trustees on the Ashley Valley Sewer Management Board.

Mayor Norton

Date

Thank You for your cooperation in this matter.

Sincerely,



Dean Gibbs

General Manager

Ashley Valley Sewer Management Board

AN ORDINANCE OF THE VERNAL CITY COUNCIL IMPOSING A MUNICIPAL SALES AND USE TAX.

WHEREAS, In 2006, the Utah Legislature changed the sales tax distribution formula, as a result, 14 cities statewide were significantly hurt financially including Vernal City; and

WHEREAS, In 2008, the Utah Legislature recognized the financial harm that was incurred by the 14 cities including Vernal City and authorized these cities to levy a sales tax of not to exceed .20 percent pursuant to Title 59 Chapter 12 Part 21 of the Utah Code Annotated. This .20 percent (.20%) would not make Vernal City whole from the negative effect of the 2006 change in sales tax distribution, but would provide some relief; and

WHEREAS, The Vernal City Council supports an increase effective April 1, 2016 in the sales tax levy of .20 percent (.20%) pursuant to Title 59 Chapter 21 Part 21 of the Utah Code Annotated. It is the intent of Vernal City Council that funds from the sales tax levy would be used to provide essential municipal services to the City.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF VERNAL, UTAH AS FOLLOWS:

SECTION 1. Purpose. Pursuant to the laws of the State of Utah, in accordance with Utah Code Annotated 59-12-21, the purpose of this Ordinance is to enact a Municipal Sales and Use Tax of .20%.

A. Municipal Sales and Use Tax: Vernal City hereby imposes a municipal sales and use tax of .20% on the transactions described in Title 59, Chapter 12, Part 21 of the Utah Code within the boundaries of Vernal City. The sales and use tax of .20% shall not apply to those sales and uses described as exempt under Title 59, Chapter 12, Part 21 of the Utah Code.

B. Vernal City shall provide proper notice to the Utah State Tax Commission on or before January 1, 2016, of the .20% sales and use tax as required under Title 59, Chapter 12, Part 21 of the Utah Code.

C. Effective Date of the Sales and Use Tax: The municipal sales and use tax of .20% imposed herein shall be effective on April 1, 2016. The sales and use tax imposed herein shall continue until no later than June 30, 2030.

SECTION 2. Repealer. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION 3. Severability. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION 4. Effective Date. This ordinance shall become effective the 1st day of April, 2016.

PASSED, ADOPTED AND ORDERED published this ____ day of November, 2015.

ATTEST:

Mayor Sonja Norton

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____